

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 28, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 06HD-097

Island of Hawaii

Withdrawal from Governor's Executive Order No. 2312 to the Department of Education for Kealakehe School; Conveyance by Land Patent Grant to County of Hawaii, Kealakehe, North Kona, Hawaii, Tax Map Key: 3rd/7-4-019: 044.

APPLICANT:

County of Hawaii, whose mailing address is 25 Aupuni Street, Hilo, Hawaii 96720.

LEGAL REFERENCE:

Section 171-11 and 171-95(a)(1), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government land situated at Kealakehe, North Kona, Hawaii, identified by Tax Map Key: 3rd/7-4-019: 044, as shown on the attached map labeled Exhibit A.

AREA:

173 square feet (.004 acres), more or less.

ZONING:

State Land Use District: Urban
County of Hawaii CZO: Agriculture (AG-1)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Portion of Governor's Executive Order No. 2312 setting aside 30 acres to the Department of Education for a Kealakehe School Site.

PURPOSE:

The County of Hawaii is proposing road safety improvements on Palani Road in Kona through the relocation of the intersection of Kealakaa Street and Palani Road to improve site distance conditions. The County is requesting withdrawal of approximately 173 square feet or .004 acres from the Kealakehe School site and a conveyance by Land Patent Grant for addition to the planned road right-of-way.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on September 8, 2005 with a finding of no significant impact (FONSI). A copy of the OEQC Bulletin page on the project is attached as Exhibit B.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Subdivide the area to be withdrawn from Governor's Executive Order No. 2312 and consolidate the same into the road right-of-way, at its own cost;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 3) Comply with the conditions of the letter dated January 30, 2006 from the Department of Education attached as Exhibit C.

REMARKS:

The County of Hawaii is undergoing a traffic improvement project to increase sight distances at the intersection of Palani Road and Kealakaa Street in Kealakehe, North Kona, Hawaii. In connection with the subject project, the County of Hawaii is requesting the withdrawal of approximately 173 square feet or .004 acres from the current Governor's Executive Order No. 2312 to the Department of Education for the Kealakehe School site and a conveyance of the same to the County of Hawaii for addition to the road right-of-way. A plan of the project is attached as Exhibit D.

The County of Hawaii has provided a letter from the Department of Education indicating no objection to the project subject to certain conditions detailed in their letter dated January 30, 2006 attached as Exhibit C.

No agency or community comments were solicited in that the County of Hawaii has completed the Environmental Assessment process in compliance with Chapter 343, HRS.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order withdrawing approximately 173 square feet or .004 acres from the Governor's Executive Order No. 2312, subject to:
 - a. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - b. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - c. Review and approval by the Department of the Attorney General; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

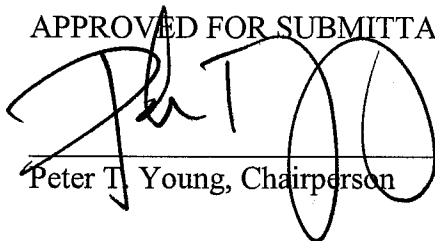
2. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the conveyance of the area withdrawn, by way of Land Patent Grant to the County of Hawaii, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- a. The standard terms and conditions of the most current grant form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Harry M. Yada
District Land Agent

APPROVED FOR SUBMITTAL:



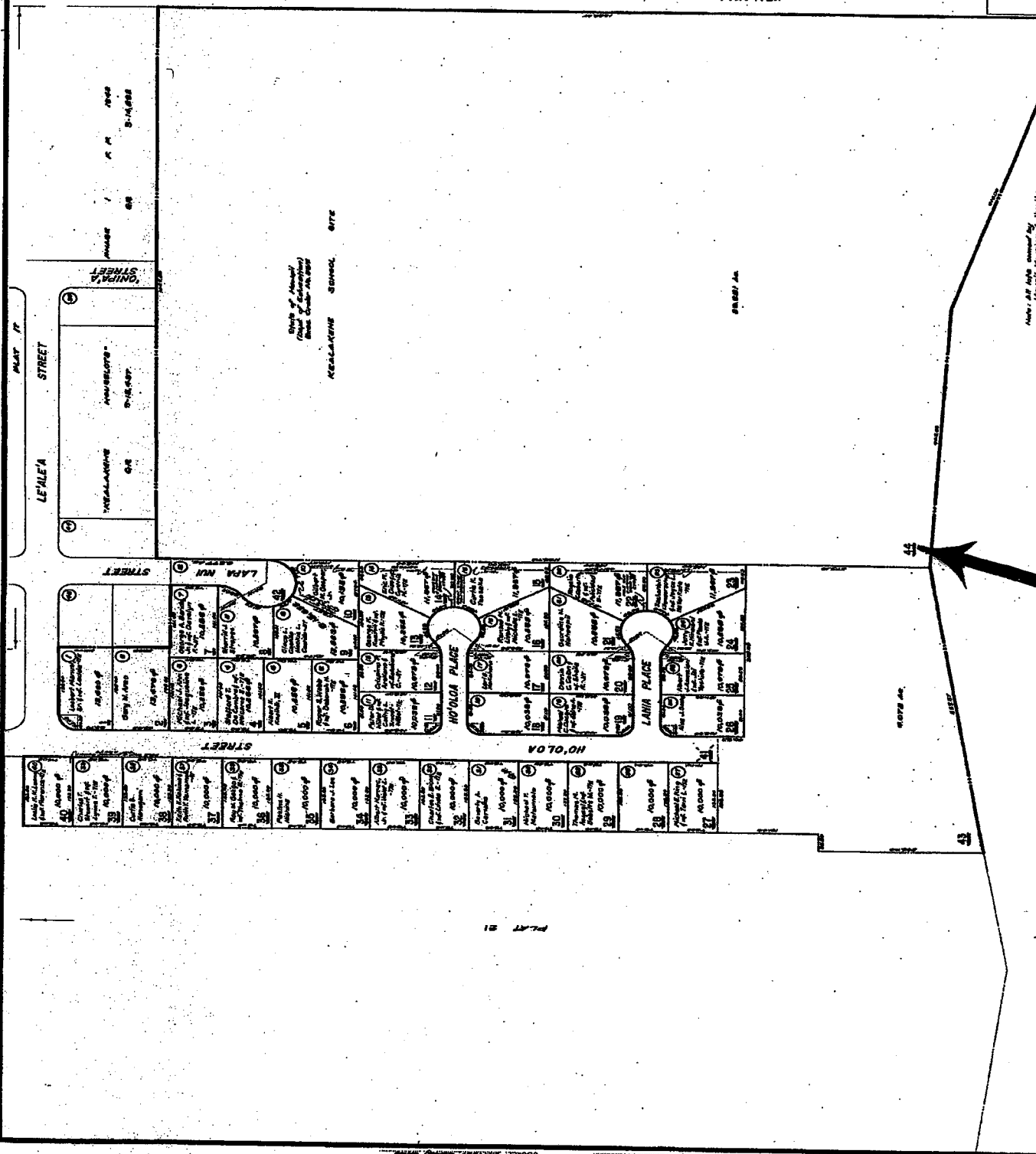
Peter T. Young, Chairperson

REDUCED/NOT TO
SCALE

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|--|-----|-----|-----|
| DEPARTMENT OF FINANCE PROPERTY ASSESSMENT DIVISION TAX MAPS SECTION TAX MAP | | | |
| 7 | 4 | 19 | |
| 10E | 10C | 10A | 10B |
| COUNTY OF HAWAII | | | |

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

Note: All lots shown by
this map are subject to
the provisions of the
Hawaii Tax Map Act



"KEALAKAHI HOUSELOTS", PHASE II, INCREMENT I, E.D. 1927, KEALAKAHI, NORTH KOHA, HAWAII, HAWAII (Formity per 7-4-08)

EXHIBIT A

SEPTEMBER 8, 2005

Palani Road Safety Improvements (HRS 343 FEA-FONSI)

District: North Kona
TMK: (3) 7-4-008-065
Proposing Agency: County of Hawai'i, Dept. of Public Works
 101 Pauahi St., Ste. 7, Hilo, HI 96720
 Contact: Bob Yanabu (961-8586)

Determination Agency: Same as above.
Consultant: Kimura International, Inc.
 1600 Kapiolani Blvd., Ste. 1610, Honolulu, HI 96814
 Contact: Ms. Leslie Kurisaki (944-8848)

Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

Permits Required: HRS Section 6E Historic Preservation Review/ Section 106 National Historic Preservation Act (completed), NPDES, other County construction-related permits

U.S. Department of Transportation, Federal Highway Administration (FHWA). The project site is located west of Palani Road and south of Kealakehe Elementary School in Keahu'olu Ahupua'a, North Kona, Hawai'i. The project is needed to improve roadway safety along a stretch of Palani Road between Palihilo Street (to the south) and Kealaka'a Street (to the north). Currently, Palihilo Street and Kealaka'a Street intersect Palani Road at two unsignalized, T-intersections located approximately 700 feet apart. The proximity of two off-set intersections adds to congestion on this stretch Palani Road, and causes safety and visibility concerns.

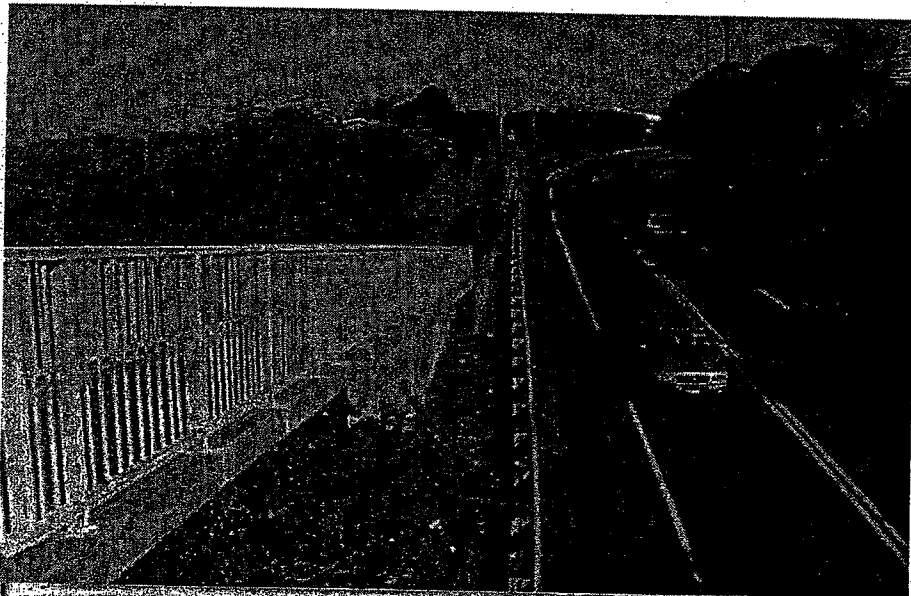
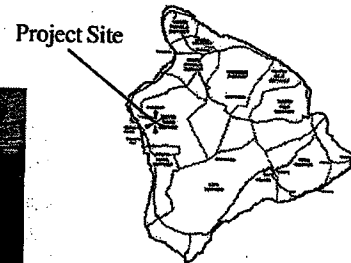
The project will realign and extend Kealaka'a Street heading south, from Kealakehe Elementary School to the intersection of Palihilo Street and Palani Road. The new roadway extension will join Palani Road opposite the existing Palihilo Street intersection, to create a standard four-way intersection. The existing Kealaka'a Street intersection would be retained, but turning movements limited to right turns only.

Other improvements to existing Palani Road include widening on the west side to add a dedicated left turn lane and sidewalk.

Combined, these improvements will create safer roadway conditions along this section of Palani Road.

This Final Environmental Assessment has been prepared in accordance with the State of Hawai'i HRS Chapter 343 and Chapter 200 of Title 11, Department of Health Administrative rules, and the National Environmental Policy Act (NEPA), 42 U.S.C. 4332(2)(c).

The Palani Road Safety Improvements are being proposed by the County of Hawai'i Department of Public Works, and the





STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF BUSINESS SERVICES

January 30, 2006

Mr. Al Inoue, Land Agent
County of Hawaii
Department of Public Works
101 Pauahi Street, Suite 7
Hilo, Hawaii 96720-4224

Dear Mr. Inoue:

The Department of Education (DOE) preliminarily has no objection to the concept of granting a 173-square foot right-of-way (r-o-w) from the corner of the campus of Kealakehe Elementary School for the proposed improvements to Kealakaa Street. However, following a discussion with Nancy Matsukawa, Kealakehe Elementary's principal, we need written assurance that the following items will be satisfied:

- The parking lot which will be affected by the r-o-w is scheduled to be repaved during the summer of 2006. Work on the r-o-w should be scheduled so that it does not undo the new paving job.
- Ms. Matsukawa read that one tree will be removed. We would like assurances that the tree is replaced on school property.
- The r-o-w way will take a portion of a retaining wall and fencing. We would like assurances that both the wall and fencing will be replaced within school boundaries.
- The DOE will need a copy of the survey map that defines the boundary between the r-o-w and the school.

If you have any questions, please call Heidi Meeker of the Facilities Development Branch at 733-4862.

Sincerely,

Duane Y. Kashiwai, Public Works Manager
Facilities Development Branch

DK:ly

c: Clayton Fujie, Deputy Superintendent
Assistant Superintendent, OBS
Duane Kashiwai, Facilities Development Branch
Art Souza, CAS, Honokaa/Kealakehe/Kohala/Kona Complex Area
Harry Yada, Land Manager, DLNR
Nancy Matsukawa, Principal, Kealakehe Elementary

EXHIBIT C

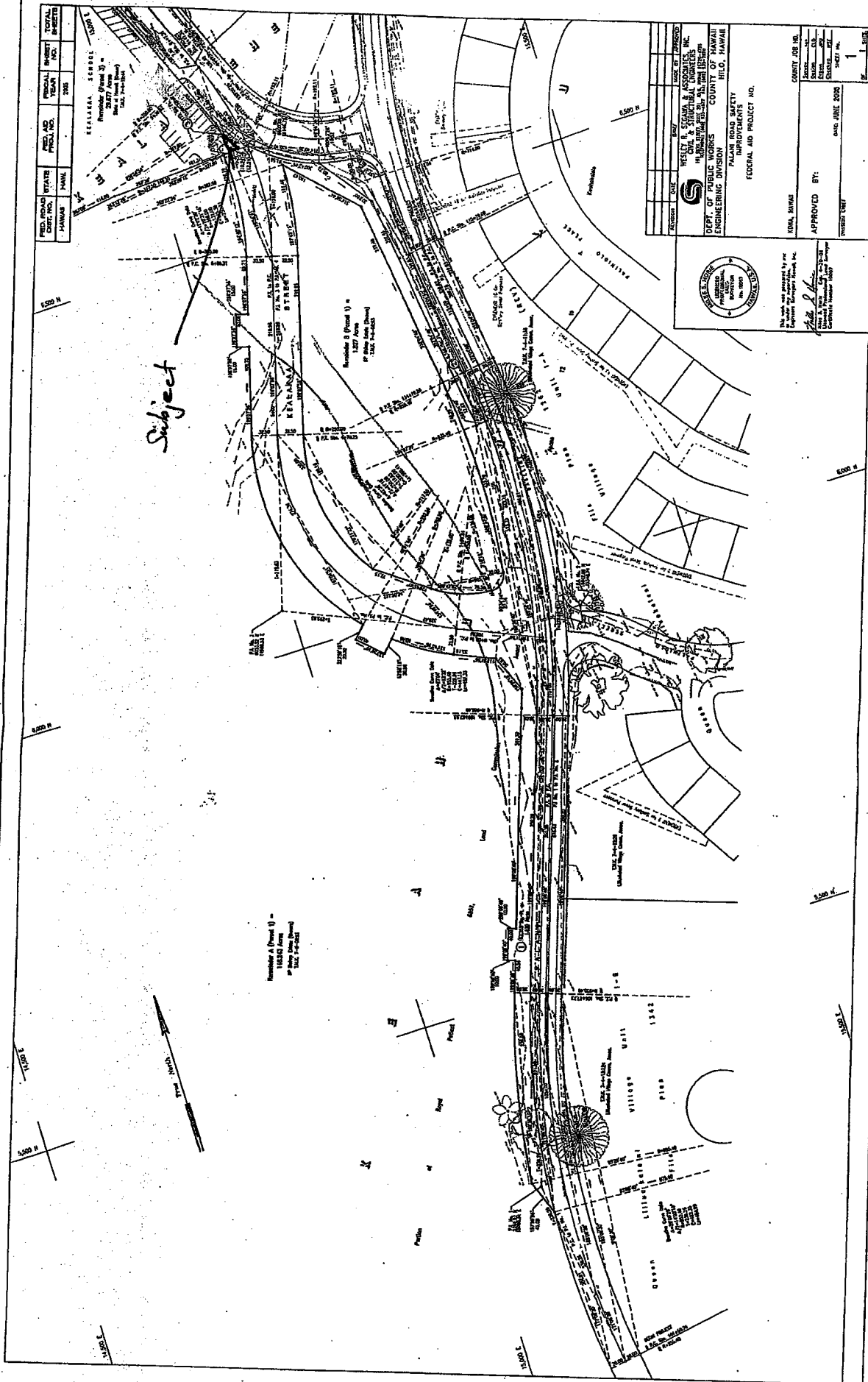


EXHIBIT D